

## **REMARKS**

### **Status of the Claims**

By the present Amendment, independent claims 1, 3, 19, 29, and 36 have been amended, and dependent claims 43 and 44 have been added. Accordingly, claims 1-44 are pending in the present application.

### **Interview Summary**

Applicants thank the Examiner and her supervisor for the telephonic interview of May 24, 2006 with Mr. Scott Alter of our firm and the undersigned. In accordance with 37 C.F.R. § 1.133 applicants are submitting the following summary of the interview:

Claim 1 was discussed in view of the U.S. Patent No. 6,869,332 issued to Redeker et al. ("Redeker") Applicants argued that embodiments of the current invention were distinguishable from Redeker, because Redeker failed to teach "one or more parameters of a recipe."

### **Rejection of Claims 1-42 under 35 U.S.C. § 102(e) as being Anticipated by Redeker et al.**

In the Office Action, the Examiner rejected claims 1-42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,869,332 issued to Redeker et al. ("Redeker"). This rejection is respectfully traversed.

Without agreeing with the Examiner's statements, independent claims 1, 3, 19, 29, and 36, have been amended to more clearly recite applicants' invention. For example, claim 1 now recites "wherein said recipe is used in the processing of one or more subsequent wafers." Redeker fails to teach at least this element of claim 1.

The entire discussion of the operation of Redeker is in the context of polishing a single substrate (referred to as "the substrate") using a general purpose computer and a closed-loop feedback system. See col. 9, line 35 to col. 12, line 4. The close-loop feedback system is only described as adjusting parameters for the current wafer. See, for example, col. 10, lines 48-53 ("As polishing progresses . . . thickness information . . . can be fed into a closed-loop feedback system to control the pressure . . . on the substrate.")

Further, the problem being addressed by Redeker, “determining whether the polishing process is complete” (col. 1, lines 47-48), is focused on a single wafer. In contrast, embodiments of the current invention are directed to at least the problem of more efficiently qualifying a polishing process to “ensure that future production runs comport with . . . a number of minimum specification requirements.” See specification page 4, lines 17-18, and specification page 3, lines 1-2.

Additionally, the “pressure profile” of Redeker does not inherently teach a recipe “used in the processing of one or more subsequent wafers.” Redeker refers to a “pressure profile applied by the carrier head” (col. 3, lines 26-27), but this does not inherently mean that the “pressure profile” is used to process subsequent wafers. Inherency “may not be established by probabilities or possibilities” (MPEP 2112). As described above, the focus of Redeker is on temporarily adjusting polishing parameters for the wafer currently being polished, suggesting that the “pressure profile” is also used only for polishing the current wafer, not for subsequent wafers as recited in claim 1.

For the above reasons, the Examiner is respectfully requested to withdraw the rejection of independent claims 1, 3, 19, 29, and 36, and corresponding dependent claims 2, 4-18, 20-28, 30-35, and 37-42.

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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